

City of Newport Beach  
Planning Commission Meeting  
July 19, 2012

**Wireless Telecommunications  
Facilities Ordinance  
Code Amendment No. 2012-004**

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# Project Description

- Comprehensive update to existing Wireless Telecommunications Facilities Ordinance
- Intended to:
  - Balance needs of community
  - Increasing demand for wireless networks
  - Mitigate the impact of telecom facilities
  - Reflect changes in federal and state law

# Project Description (continued)

- Existing regulations contained in Title 15 and Title 13
- Propose to consolidate into single chapter in Title 20
- New or modified telecom facilities regulated as a land use

# Background

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- Telecom Ordinance adopted by City Council in October 2002
- Existing regulations have not been updated since adoption by City Council

# Background (continued)

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- Staff presented overview of existing regulations at a March 2012 City Council Study Session
- City Council directed staff to proceed with revisions to the telecom ordinance

# Federal Law and Radio Frequency Emissions Safety

- Federal law preserves local zoning authority, while imposing certain requirements
- State and local agencies are prohibited from regulating on the basis of radio frequency (RF) emissions

# Proposed Code Amendment

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- Key issues identified in existing ordinance
- Proposed revisions in draft ordinance

# Public Notice/Public Hearing Process and Review Authority

## *Existing Provisions:*

- All applications reviewed by Community Development Director as a “telecom permit”
- Community Development Director is review authority for facilities that meet established criteria



# Public Notice/Public Hearing Process and Review Authority

## *Existing Provisions (continued):*

- City Council is review authority for:
  - Facilities that do not conform,
  - Larger more conspicuous facilities, and/or
  - Facilities located in certain residential districts
- Neither review process requires a public notice or a public hearing

# Public Notice/Public Hearing Process and Review Authority

## *Proposed Revision:*

- Applicants required to apply for Minor Use Permit; Conditional Use Permit; or Limited Term Permit
- Public notice/public hearing required
- Zoning Administrator or Planning Commission designated review authorities

# Appeal Process

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## *Existing Provisions:*

- Only applicant may appeal decision by the Community Development Director

# Appeal Process

## *Proposed Revision:*

- Appeal process consistent with existing provisions in the Zoning Code
- Planning Commission would be appellant authority on Zoning Administrator decisions
- City Council would be appellant authority on Planning Commission decisions

# Installations in the Public Right-of-Way

## *Existing Provisions:*

- Specific procedures not provided for facilities installed in the public right-of-way

# Installations in the Public Right-of-Way

## *Proposed Revision:*

- Process and design standards included
- Public hearings would be conducted
- Building and/or encroachment permits would be required







# Design Standards and Criteria

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## *Existing Provisions:*

- Standards do not encourage applicants to design camouflaged facilities
- Standards have not been updated to reflect changes in technology

# Design Standards and Criteria

## *Proposed Revision:*

- Design standards updated to encourage camouflage
- Facilities visually compatible and/or inconspicuous reviewed by Zoning Admin.
- Larger or conspicuous facilities reviewed by Planning Commission

# Building/Roof-top Mounted Antennas





# Building Mounted Antennas, Camouflaged



# Deviation to Height Limitations and Location Requirements

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## *Existing Provisions:*

- Do not include process to request to modify or deviate

# Deviation to Height Limitations and Location Requirements

## *Proposed Revision:*

- With regulations in Zoning Code, applicants could request a Variance
- Review and public hearings conducted Planning Commission

# Setback Requirements

## *Existing Provisions:*

- Setbacks measured from the part of facility closest to the lot line or structure
- Facilities prohibited from being located in required setbacks, unless special approval by City Council

# Setback Requirements

## *Proposed Revision:*

- Updated to provide additional “fall zone” for ground-mounted “Wireless Towers”
- Additional setback provided for safety purposes; would be the greater of either:
  - Code-required setback; or
  - 110% of the height of the “Wireless Tower”



# Modification of Existing Telecom Facilities

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## *Existing Provisions:*

- Allows City to review and modify a telecom permit based on “changed circumstances”

# Modification of Existing Telecom Facilities

## *Proposed Revision:*

- Updated regulations consistent with federal law
- Changes less than 5% subject to ministerial review and approval
- Changes 5% or more require processing of a new discretionary application

# Zoning District Land Uses and Permit Requirements

## *Existing Provisions:*

- Facilities prohibited unless given special approval by City Council on:
  - Common area or non-residential lots
  - Any required setback
  - Multifamily structures
- Also prohibited on:
  - Residential lots
  - Open Space district, unless on utility tower

# Zoning District Land Uses and Permit Requirements

## *Proposed Revision:*

- Updated to prohibit telecom facilities on:
  - Single-family development
  - Two-family development
  - Multi-family development of 4 units or less
- Exception added to allow telecom facilities in Open Space when co-located on existing telecom facility or site

# Conclusion

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- Staff welcomes public comments on the draft ordinance; and
- Recommends continuance to August 23, 2012